

Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications - ~~February 2020~~ February 2022

Introduction

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This note sets out what “**minimum**” requirements applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary, and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council.

The National Planning Policy Framework (NPPF updated in 2021) states that “Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question” (para.44).

Pre-Application Advice

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex, or potentially controversial proposals. This should help applicants identify the information and details that need to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. Such discussions should also involve local communities where relevant. The County Council charge for providing pre-application advice. The fee for this service depends on the scale of development. Some advice, such as whether planning permission is required, is provided free of charge. Full details of this pre-application advice service can be found on the County Council's website at www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pre-application-advice.

Compulsory pre-application engagement- On-shore wind turbine development
Article 3 of the Town and Country (Development Management Procedure) (England) Order 2015 requires a statement providing evidence of how the applicant has undertaken

and responded to community consultation before submitting an application for on-shore wind turbine developments where the development involves more than two turbines, or where the hub height of any turbine exceeds 15 metres.

The Validation Process (including the right to appeal against non-validation)

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local List)**. Most minor applications will be validated reviewed to ensure they are complete and incorporate adequate information to validate the submission within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

Invalid applications

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant will be informed in writing the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid and the applicant will be informed in writing what information is required to validate the application. The Council will only request supporting information that is relevant, necessary, and material to the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 12 Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non-determination on grounds of invalidity once the 8/13 (16 for EIAs) week determination period, starting with the date of receipt of the application, has elapsed. The Planning Inspectorate will determine these cases, the inspector will consider both the dispute regarding invalidity and the merits of the application itself.

Electronic submission

The County Council's preferred method of receiving applications is electronically and should be sent to development.management@nottscc.gov.uk or submitted via the Planning Portal at www.planningportal.gov.uk.

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single or combined file size is 15 Megabytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted ~~offline using Cryptshare, an agreed suitable method of electronic submission, such as a CDROM or memory stick. Alternatively, the County Council supports the use of Cryptshare, which allows for the transfer of large electronic files by email.~~ Cryptshare is a secure website that enables users to transfer large electronic files by email. All transfers are strongly encrypted and are made even more secure with authentication using passwords. NCC IT Services do not allow file transfer by any other means. For more information on using this service please use the following link <https://cryptshare.nottsc.gov.uk/>

Portable Document Format (PDF) is the recommended file format. They should not be secured in order that they can be electronically date stamped by the County Council and to ensure that they can be read by consultees.

All drawings shall be produced in a single layer and should avoid covering multiple issues on one plan, such as existing and proposed vegetation or superimposing the proposed development on existing.

All drawings shall be correctly orientated for on-screen display, ~~i.e. in landscape.~~

All drawings shall include a scale bar and key dimensions, paper size and scale (for example 1:1250 at A3) ~~to allow for electronic scaling/measuring.~~

All plans and supporting documents should be clearly labelled.

All photographs should be submitted in PDF file format.

Paper Submission

~~If you are unable to submit your planning application electronically the County Council will require one paper copy of the planning application form, a copy of all the above plans and one paper copy of all the documents required as part of the Local Information Requirements (Local list).~~

Information required for planning applications

Part One- Statutory national information requirements that must be submitted with all applications, and

Part Two- Local information requirements (Local List) that must be submitted with planning applications depending on their type and scale.

Part One – Statutory national information requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the following forms, plans and information to be submitted with all applications unless otherwise stated.

The planning application form: Planning applications should be made on the relevant planning application form and submitted electronically to the County Council at development.management@nottscc.gov.uk (or via the Planning Portal at www.planningportal.gov.uk). The standard (1APP) application form should be used for all applications (except those for Minerals, which should be submitted on the Minerals application form available on the Council's website). A separate form is also available for onshore oil and gas development. All planning application forms are available to download at www.nottinghamshire.gov.uk. ~~If you prefer to submit paper copies please provide two copies unless a request is made by the Council for a specific number of copies.~~ All forms must be signed and dated with all relevant sections completed.

The application fee: See Nottinghamshire County Council's or the Planning Portal's websites for the current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee. For information on how to pay the planning application fee please refer to the County Council's website at www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee.

Ownership/ Agricultural Holding certificates: A completed, signed and dated ownership/agricultural holding Certificate A, B, C or D confirming the site ownership and whether any of the land to which the application relates is, or is part of, any agricultural holding. Please complete only one Certificate to confirm ownership of the site. These certificates are part of the standard application form. For this purpose, an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. 'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates. A notice to owners and /or agricultural tenant of the application site must be completed and served in accordance with Article 13 of the Development Management Procedure Order (DMPO), 2015

Location plan: The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified.

The application site should be edged clearly with a red line. Where the proposal

involves development (such as a proposed extension) on a large application site the proposed development should be hatched in red to provide extra clarity for consultation purposes. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. **The location plan should wherever possible show at least two named roads, surrounding buildings, and features.** In the interest of clarity, the location plan should not include other information that is provided on other plans, such as topographical details.

Site Plan/Block Plan: The site plan should be at an appropriate scale for the development proposed and should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, roads and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

Other plans: ~~If not submitted electronically two copies of all other plans should be submitted.~~ The details on any other plans will vary according to the type of development proposed and should complement any detailed assessments submitted in support of the application. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans and elevation drawings submitted in electronic format should specify critical dimensions (external measurements) such as building footprint, height to eaves/ridge.

Updated and superseded plans: Any plans or supporting documents which supersede those originally submitted should be clearly labelled (i.e. 'Revision 1') and sent electronically to the County Council.

Design and Access Statement: A Design and Access Statement (DAS) must accompany the following applications:

- All applications for **major development** (as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
- If within a designated area (Conservation Area or World Heritage Site) for development consisting of one or more dwelling or a building or buildings with a floor space of 100 square metres or more.

Applications for waste development, minor development, change of use, engineering or mining operations or applications to amend the conditions attached to a planning permission (Section 73 applications) do not need to be accompanied by a Design and Access Statement.

Design and Access Statements should explain the design principles and concepts that have been applied to the proposed development and demonstrate the steps taken to

consider the context of the proposed development, and how the design of the development takes that context into account. Design and Access Statements should also explain the applicant's approach to access and state how relevant Local plan policies have been considered. The applicant is encouraged to detail any consultation undertaken in relation to access issues and how this has informed the proposed development. (Please refer to article 9 of the Development Management Procedure Order, 2015 for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application. For further requirements relating to design issues please refer to Section 3 Design Assessment in the Local List Requirements below.

Further information

Town and Country Planning (Development Management Procedure) (England) Order 2015

National Planning Policy Framework

Planning Practice Guidance

www.nottinghamshire.gov.uk, www.planningportal.gov.uk and www.gov.uk

General Data Protection Regulation (GDPR) and Redaction

All information submitted as part of the planning application process will be collected, used, and retained in accordance with the County Council's Privacy Statement which may be viewed in full at www.nottinghamshire.gov.uk/global-content/privacy.

To comply with the GDPR the Council will redact personal information (such as email addresses, telephone numbers and signatures) from documents before making them publicly available. Please ensure all sensitive information submitted as part of the planning application is kept to a minimum to assist with the amount of redaction necessary to enable the planning process to proceed as efficiently as possible.

If the County Council considers that a document contains unnecessary and significant amounts of personal data, such as on every page in headers or footers, applicants will be asked to revise such documents before the application is validated due to the significant officer time required to redact all the personal information.

Part Two Local information requirements (Local List)

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their nature and scale. We will only request information about a matter which is likely to be a material consideration in the determination of the application. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

[All sections include references where further guidance may be found. Where validation requirements involve the submission of a technical assessment or supporting document in any of the sections below, this should be undertaken by a suitably qualified, and where relevant, accredited professional.]

1. Supporting Planning Statement

A statement required for most applications explaining the need for the proposed development, it should be proportionate and specific to the development. Where appropriate it should demonstrate how the proposed development complies with policies in the development plan, national policy and guidance and other relevant documents. Where a proposal does not comply with development plan policies an explanation must be provided to justify the need for the development and set out overriding reasons as to why the proposal should go ahead. The supporting statement should also include details of the proposed development in terms of its achievement of sustainable development. This should cover economic, social and environmental issues. Details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission should be included in the supporting statement.

The Supporting Planning Statement submitted with proposals on school sites should also set out existing and proposed pupil and staff numbers, parking provision and nearby school information where there is a proposed change to pupil/staff numbers.

For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen. For landscaping schemes involving the importation of inert waste material, the supporting statement should detail the rationale behind the landform changes that are being proposed which should be supported by detailed pre and post contour plans submitted with the application.

Further information
National Planning Policy Framework
Planning Practice Guidance

Sport England www.sportengland.org/playingfieldspolicy

2. Environmental Statement

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment and meets the criteria set out in the EIA Regulations. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents listed below.

A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures.

You are entitled to request a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Any details submitted as part of a scoping request, in particular any plans and drawings, should meet the validation requirements set out in the document for planning applications.

Environmental Statements must be prepared by a competent expert and be accompanied by a statement outlining the relevant expertise or qualification of such experts. Early consultation with the Development Management Team is recommended prior to making your application.

Further information

*The Town and Country Planning (Environment Impact Assessment) Regulations 2017
Planning Practice Guidance
National Planning Policy Framework*

3. Design Assessment

The NPPF states “Design quality should be considered throughout the evolution and assessment of individual proposals” (para 132). Methods and processes aimed at achieving good design are most likely to succeed if utilised as early as possible in the development process. Therefore, applicants must proactively ensure good design principles are followed in the development of their proposals prior to submission, including referral of draft schemes to design review panels.

The County Council envisages this process being most appropriate for major County Council development, such as new or replacement schools, and other significant community facilities. Design reviews could also be appropriate for major waste management facilities depending on their location and scale.

Although the Development Management Procedure Order does not require Design and Access Statements for these types of development, this does not mean that design should not be a material consideration in the planning application process for these types of development where appropriate.

Any such statement should provide evidence of having gone through a design review panel, including setting out how any panel recommendations have been considered and incorporated into the final design, along with details of how any engagement with the local community has influenced the proposal.

For all built developments a statement demonstrating how a design would be in compliance with Local Plan design policies, and, where relevant, Neighbourhood Plans and Local Design Guides will be required. All design assessments can be incorporated into the Design and Access Statement.

The NPPF states “Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions between applicants, the local planning authority and the local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.” (para 132).

Methods and processes aimed at achieving good design are most likely to succeed if utilised as early as possible in the development process. Therefore, applicants must proactively ensure good design principles are followed in the development of their proposals prior to submission. Tools and processes for improving the design of developments include workshops to engage the local community, seeking design advice and referral to design review panels. In assessing proposals, the County Council will have regard to the outcomes from these processes, including any recommendations made by design review panels.

The County Council envisages this process being most appropriate for major County Council development, such as new or replacement schools, and other significant community facilities. Design reviews could also be appropriate for major waste management facilities depending on their location and scale.

Any such statement should provide evidence of having gone through a design review panel, including setting out how any panel recommendations have been considered and incorporated into the final design, along with details of how any engagement with the local community has influenced the proposal.

For all built developments a statement demonstrating how a design would be in compliance with Local Plan design policies, and, where relevant, Neighbourhood Plans and Local Design Guides will be required.

Proposals will also be expected to be consistent with the principles set out in the National Design Guide, the National Model Design Code and any locally produced design guides and codes.

Although Design and Access Statements are not required for all types of development this does not mean that high quality design should not be a material

consideration in the planning application process for all applications. All design considerations and assessments should be incorporated into the Design and Access Statement or the Supporting Planning Statement where a Design and Access Statement is not required but where design is an important and material consideration.

Further information

National Planning Policy Framework- Achieving well designed places (paras 126-136).

Building for Life 12 – A Framework for Achieving Good Design 2018

National Design Guide – Planning Practice Guidance for beautiful, enduring and successful places, MHCLG, 2019-updated January 2021

Design: - Processes and tools, MHCLG, October 2019

Designing waste facilities, a guide to modern design in waste- Enviros Consulting Ltd on behalf of Defra, 2008.

4. Transport Assessment and Transport Statements

All developments that generate significant amounts of vehicle movements should be supported by a transport assessment (TA) or a transport statement (TS). The need for a TA or TS should be scoped with the County Planning Authority in consultation with the Highways Development Control. TAs and TSs are ways of assessing the potential impacts of developments and may propose mitigation measures to promote sustainable development. These measures may inform the preparation of Travel Plans (see below). Transport Assessments are a thorough assessment of the transport implications of development, and Transport Statements are a “lighter touch” evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. development with anticipated limited transport implications).

Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS.

The coverage and detail of the TA/TS should reflect the scale of the development and the extent of the traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing, and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA/TS should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments, such as significant school extensions a TA/TS might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example, development which is likely to increase the risk of accidents or conflicts between

motorised and non-motorised users, particularly vulnerable road users such as children, people with disabilities and elderly people. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces in order that the County Council can advise on the level of assessment required.

Further information

The National Planning Policy Framework – Promoting Sustainable Transport (paras 104-113).

Planning Practice Guidance- Travel Plans, Transport assessments and Statements .

The Nottinghamshire Highways Design Guide -

www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

5. Draft Travel Plans

Where a development will generate a significant amount of vehicle movements a travel plan should be provided (NPPF para. 113). A travel plan is a long-term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment or statement (see above). Draft Travel Plans should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social, and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. Travel Plans should be considered in parallel to development proposals and fully integrated into the design and occupation of the new site (see Planning Policy Guidance). It should identify the travel plan coordinator, the management arrangements, and the timetable of the plan.

School Travel Plans (see link below) will be required for all **planning applications involving** new schools or significant extensions to existing schools - these should address parent, staff, and pupil parking as well as vehicular and pedestrian access. For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc. For the purpose of validation, an application will need to be accompanied by the framework of a Travel Plan that identifies relevant travel related issues, objectives, initiatives and timescale for delivery and review.

Travel Plans can form part of the Transport Assessment or Transport Statement.

Further information

The National Policy Planning Framework

Planning Practice Guidance

Road Safety Office Road.safety@viaem.co.uk,

NCC -Guidance for the preparation of Travel Plans in support of planning applications, September 2010 (final version 1.2)

<https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-plans>

<https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-toolkit>

6. Planning and Health

The NPPF states that “planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community” (NPPF para. 93b). Nottinghamshire has endorsed the Nottinghamshire Planning and Health Framework 2019-2022 which aims to ensure that health is fully embedded in the planning process. The document sets out a Checklist for Planning and Health - the Nottinghamshire Rapid Health Impact Assessment Matrix ‘*The Matrix*’ which focuses on the built environment and issues directly or indirectly influenced by planning decisions. The purpose of the Matrix is to ensure that the health impacts of a development proposal are identified, and appropriate action is taken to address negative impacts and maximise benefits. All planning applications which have potential health impacts should confirm that reference to the Planning and Health Framework (or any subsequent document that is published) has been made and appropriate mitigation measures are proposed. Where health impacts are identified this information can be submitted by completing the Matrix above or as part of the Supporting Planning Statement.

Further Information

National Planning Policy Framework – Providing Healthy and Safe Communities (paras 92-103).

Nottinghamshire Planning and Health Framework 2019-2022 (and any future updates) www.nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework

7. Planning Obligations – Draft Heads of Terms

The purpose of planning obligations is to make development acceptable in planning terms where this cannot be achieved through the imposition of planning conditions. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during consideration of a planning application (see PPG). Where considered essential by the County Council, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application.

Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage.

Further information

National Planning Policy Framework – Planning Conditions and Obligations (paras 55 - 58)

Planning Practice Guidance- Planning Obligations
www.planningportal.gov.uk

8. Flood Risk Assessment

Flood Risk Sequential Test

The NPPF states that development should not be permitted if there are reasonably available alternative sites appropriate for that development in areas at a lower risk of flooding.

Where a site has not been allocated, or sequentially tested by the Local Planning Authority, it is the responsibility of the developer in consultation with the LPA to demonstrate that the Sequential Test is passed. The requirements for the flood risk sequential test are set out in the Planning Practice Guidance.

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Furthermore, a FRA should be submitted for proposals within an area of Flood Zone 1 which has critical drainage problems or where proposals may be subject to other sources of flooding. Information about these zones and their implications for development can be found in the Planning Practice Guidance and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and, in the future, taking climate change into account. The NPPF states that developments should only be allowed in areas at risk of flooding where it can be demonstrated that the development is flood resilient, such that, in the event of a flood it could be brought back into use without significant refurbishment. Planning applications submitted in flood risk areas should therefore confirm the flood resilience of the development.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority (as the Lead Local Flood Authority), the Environment Agency, and the Internal Drainage Board where appropriate. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDS). The County Council is now the Lead Local Flood Authority with powers and a statutory duty to manage and coordinate local flood risk management activities and therefore early consultation with them is advisable.

In all cases, a sustainable approach should be taken to the discharge of surface water following the sequential preference: (i) soakaway; (ii) watercourse; (iii) mains drainage. Where a less sustainable form of surface water drainage is proposed the application should demonstrate why a more sustainable method of surface water drainage cannot be used.

Further information

National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 152-173).

Planning Practice Guidance on Flood Risk and Coastal Change, updated August 2021

Association of Drainage Authorities - www.ada.org.uk/

Local Flood Risk Management Strategy 2016-2021, 2021-2027

Lead Local Flood Authority-Flood Risk Management Team,

www.nottinghamshire.gov.uk

Environment Agency – Advice for Local Authorities on non-mains drainage from non-major development

www.gov.uk/guidance/flood-risk-assessment-for-planning-applications

www.gov.uk/guidance/flood-risk-assessment-standing-advice

9. Groundwater and surface water protection

The NPPF seeks to ensure that new and existing developments are prevented from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

A large portion of Nottinghamshire is underlain by the Sherwood Sandstone Principal Aquifer, an important water source for agriculture, industry and for drinking water. Ground waters can also play an important part in sustaining the surface water environment and for ecology.

Developers of proposals involving potentially polluting activities should investigate and take account of any designations applicable to the local ground waters such as Source Protection Zones and Drinking Water Safeguard Zones in selecting sites and in designing appropriate safeguards to remove potential pathways for ground water pollution. For waste management development, which would also require an Environmental Permit, a proportionate level of detail should be provided in a planning application as part of wider site investigation work to satisfy national and local planning policy.

Due to pressure from over-abstraction, the Sherwood Sandstone aquifer has been closed to further consumptive abstraction, development proposals requiring abstraction, including dewatering activities at quarries, should take account of the sustainability status of local ground water and surface water, having regard to the Environment Agency's Abstraction Licensing Strategy for the area. The Sherwood Sandstone aquifer has been closed to further consumptive abstraction and applicants should check with the EA to confirm the current status of the aquifer. Early consultation with the Environment Agency is recommended as the status of a ground water resource could have significant implications for details to be submitted under a planning application, or even the principle of the proposal itself. Details of how the design of a proposal takes account of such constraints should usually be set out within a hydrogeological and or hydrological assessment.

Twin tracking of planning and permitting /licensing is advisable to understand the likelihood of having a Licence granted alongside the planning process.

Further information

NPPF -Conserving and enhancing the natural environment (paras. 174-182)
 Environment Agency – The Environment Agency’s approach to groundwater protection, February 2018.

www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction

10. Land Contamination Survey

An appropriate contaminated land assessment must be submitted with any application where:

- **the proposed development would potentially introduce or change any contamination sources, pathways, or receptors; and**
- **the site ~~it is stated on the planning application form that~~ land is either known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination.**

A desktop study **and site walkover survey** to establish the **potential contamination risks at the site** will be required in support of planning applications involving sites which have:

- previously been used for industrial purposes, landfill, or other potentially contaminating uses:
- **are adjacent to or within influencing distance of land used for industrial purposes, landfill, or other contaminating uses (off-site), or**
- **where development could expose sensitive receptors to contamination risks. ~~Where extent of contamination and proposed remedial works will be required in support of all planning applications involving sites Where contamination is known to exist more detailed investigation will be required.~~**

Sensitive receptors can include, but are not limited to, residential uses, schools, play areas, principal aquifers, and local rivers.

If a desk top study identifies **and recommends** that further investigation is critical to the determination of an application (i.e. could not be the subject of a planning condition) an **appropriate** site investigation will be required to validate the application. This should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

Applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such on the planning application form and include, as a minimum, a desk top study.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 174-182)

Planning Practice Guidance – Land affected by contamination, updated July 2019

Land contamination risk management (LCRM) - GOV.UK (www.gov.uk), April 2021

Environmental Management and Design – www.viaem.co.uk

A Guide to Developing Land in Nottinghamshire – by the Nottinghamshire Land Quality Group 2013

11. Trees ~~Tree Survey~~/Arboricultural Implications

The NPPF highlights the important contribution that trees make to the character and quality of urban environments and how they can help mitigate and adapt to climate change. Opportunities should be taken to incorporate new trees in developments, retain existing trees whenever possible and have appropriate measures in place to secure their long-term maintenance.

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit a detailed tree survey with the application. The location of any trees within adjacent sites, including highway trees, which may be affected by the application, should also be shown. Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Further information

BS5837; “Trees in relation to design, demolition and construction”, 2012

National Planning Policy Framework (para 131)

Planning Practice Guidance

East and East Midlands Area (England) – Forestry Commission www.forestry.gov.uk

12. Heritage Statement

A Heritage Statement should be submitted with all proposals affecting Heritage assets either directly or indirectly. ‘Heritage Assets’ include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority. This requirement also applies to non-designated heritage assets, such as buildings of ‘local interest’.

The Heritage Statement should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the

assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 189-208)

Planning Practice Guidance

DCLG - Arrangements for handling heritage applications Direction 2015 2021

Conservation Officers – Nottinghamshire County Council and relevant District Council.

Historic England Guidance Notes- www.historicengland.org.uk

13. Archaeological Assessment

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage Statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework.

Further information

National Planning Policy Framework – Conserving and enhancing the historic environment (paras 189- 208).

Planning Practice Guidance

Archaeological Officer – Nottinghamshire County Council.

Historic England Guidance Notes- www.historicengland.org.uk

14. Biodiversity and Geodiversity Assessment

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. A statement should be submitted setting out the existing wildlife and habitats both on site and on adjacent sites. In all cases the sequential steps of the Mitigation hierarchy should be followed for all development projects comprising ~~avoidance, minimisation, rehabilitation and offset~~ avoidance, mitigation, and compensation. For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required. These should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre

and relevant nature conservation organisations, groups and individuals) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified and accredited person, following nationally recognised guidelines.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise, and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

The Government has introduced a requirement for net gains for biodiversity in the Environment Act which requires development (with some exceptions, such as permitted development) to deliver a minimum 10% net gain for biodiversity. Where Biodiversity Net Gain (BNG) needs to be demonstrated, the County Council supports the use of the latest Defra Biodiversity metric to measure changes to biodiversity, and in these instances the metric calculation should be undertaken by a suitably qualified (and when relevant, accredited) ecologist, with the full calculation and results submitted with the planning application.

BNG will become a validation requirement (following an implementation period of two years). During the implementation period, where relevant applications involve impacts on biodiversity, net gain calculations supporting planning applications will be encouraged and there may be circumstances where the County Council will deem a BNG calculation to be necessary due to the sensitivity of the site and its surroundings, or due to the nature and complexity of the application.

In addition, where proposals have the potential to affect the Birklands and Bilhaugh Special Area of Conservation (SAC) or the Sherwood proposed potential Special Protection Area (ppSPA), then a Habitats Regulations Assessment (HRA) must also be undertaken.

For further advice on any of the above issues please contact the County Council's Conservation Team.

Where appropriate, early consultation with Natural England is also recommended, including use of the agency's Discretionary Advisory Service (DAS), together with its standing advice and detailed guidance.

Further information

National Planning Policy Framework – Conserving and enhancing the natural environment (paras 174-182).

Planning Practice Guidance

Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006

BSI: PAS 2010 Planning to halt the loss of Biodiversity
 Association of Local Government Ecologists: Template for Biodiversity and Geological Conservation Validation checklists, www.alge.org.uk
 Natural England and DEFRA's Guidance Protected Species: how to review planning applications August 2016 updated January 2021- www.gov.uk
 Nottinghamshire Wildlife Trust www.wildlifetrust.org.uk/nottinghamshire
 DEFRA— ~~Guidance on competent authority coordination under the habitat regulations~~ July 2012 Habitats regulations assessments: protecting a European site March 2021. www.gov.uk
 Natural England standing advice on protected species, <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-areas> (updated January 2021) and on ancient woodlands, <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences> (updated November 2018)
 Biodiversity metric: calculate the biodiversity net gain of a project or development, <https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>
 The Biodiversity Metric 3.0 <http://nepubprod.appspot.com/publication/6049804846366720>

15. Noise Assessment

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise sensitive uses (such as a school) close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact.

For some proposals, **such as for proposals for significant minerals or waste development where numerous noise sources are anticipated, and/or where the site topography is complex**, the County Council will **consider recommending** that the noise assessment is supported by 3D noise modelling due to operational and/or site characteristics. This would need to be supported with copies of the noise modelling files, noise model input data (in a suitable format) and numerical noise data in a clearly labelled and concise spreadsheet. This information is required to assist the County Council and relevant consultees to understand predicted noise impacts on sensitive receptors, including nearby residents and wildlife sites. Applicants of relevant proposals will be informed **at the pre-application stage** of the need to submit this information and the scope of the data required. **Advice may be sought from the County Council's noise consultant on the scope of the noise assessment and associated background data required to support the application.**

Guidance is provided in the National Planning Policy Framework with specific guidance for minerals development, which can also be used to assess the noise impacts of waste development, in the Planning Practice Guidance.

Further information

National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras 209-214).

Planning Practice Guidance

BS4142:2014 Method for rating and assessing industrial and commercial sound

Noise Policy Statement for England, updated June 2019.

Environmental Protection Act 1990, as revised.

ProPG: Planning and Noise- Professional Practice Guidance on Planning and Noise, plus Supplementary Documents 1 and 2: New Residential Development, May 2017

16. Air Quality Assessment

Proposals that impact on air quality or are potential pollutants should be supported by an Air Quality Assessment indicating the change in air quality resulting from the proposed development, details of sensitive receptors/locations, the methodology used for assessing impact and the proposed mitigation measures. Air Quality Assessments will be required where a proposed development would emit dust, lead to an increase in congestion, HGV movements, or would introduce sensitive “receptors”, such as a school in an area of poor air quality. Specific guidance on the impacts of dust emissions from minerals development, which can also be used to assess the dust impacts of waste development, is provided in the Planning Practice Guidance.

Further information

National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras 174-182).

A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.

District Council Environmental Health Officers.

Air Pollution Information Service (APIS) www.apis.ac.uk

17. Sunlighting/Daylighting / Lighting Assessment

Sun lighting/day lighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.

Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties. Energy efficiency data should also be submitted for proposals for new external lighting.

Further information

National Planning Policy Framework

Planning Practice Guidance- Light pollution

British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011

Lighting in the Countryside; Towards Good Practice (1997) superseded by Planning practice Guidance

<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

18. Statement of Community Involvement

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

Further information

Planning Practice Guidance

Nottinghamshire County Council Statement of Community Involvement - Second Review adopted 2018 www.nottinghamshire.gov.uk

19. Rights of Way (footpaths, bridleways and byways)

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. Applications should include the details of any likely noise and visual impacts on existing users of rights of ways, such as on horses using bridleways, and set out proposed measures to mitigate these impacts. Proposed plans should show any envisaged diversions/ alternative routes. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Open space, sports and recreation facilities, public rights of way and local green space

Countryside Access Team, NCC (countrysideaccess@nottscc.gov.uk).

Rights of Way Management Plan 2018-2026

20. Landscape and Visual Impact Assessments (LVIAs)

Landscape and Visual Impact Assessments should be provided for all other development which, in the view of Nottinghamshire County Council, is likely to have an impact on the character of the local landscape and visual amenity. This

applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the Environmental Management and Design Team at Via is advisable.

Further information

National Planning Policy Framework

Planning Practice Guidance- Natural Environment

“Guidelines for Landscape and Visual Impact Assessments” The Landscape Institute and Institute of Environmental Management and Assessment, April 2013

Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.

EIA Regulations, 2017

Environmental Management and Design – www.viaem.co.uk

Natural England www.gov.uk

DEFRA: Construction Code of Practice for the Sustainable Use of soil on development sites 2011, updated June 2018

21. Land Stability/Coal Mining Risk Assessment

Coalfields are divided into high and low risk areas. A high-risk area is where there are hazards that are likely to affect new development. Planning applications for proposals involving built development or disturbance to the ground in Development High Risk Areas, as defined by the Coal Authority, and held electronically by the Local Planning Authority, should be accompanied by a Coal Mining Risk Assessment. Further information can be found on the Coal Authority website including an interactive map showing the extent of the referral area and the information required for inclusion in the Coal Mining Risk Assessment. If the development is subject to the Environment Impact Assessment process it is suggested that the Coal Mining Risk Assessment should be incorporated into the Environmental Statement. Applications in low risk areas need not be accompanied by a coal mining risk assessment.

Further information

National Planning Policy Framework - Conserving and enhancing the natural Environment (paras 172-184).

Planning Practice Guidance

Guidance Planning Applications: Coal Mining Risk Assessments, January 2017
www.gov.uk <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

Coal Authority website: www.gov.uk/coalauthority

British Geological Survey: www.bgs.ac.uk

Free of charge Coal Mining Information - October 2017, updated August 2021
www.gov.uk

22. Agricultural Land Classification/Soil quality

Should the proposal involve the disturbance of existing agricultural land, details of the Agricultural Land Classification will need to be provided. The best and most versatile (**BMV**) agricultural land is defined as Grade 1, 2 and 3a of the Agricultural Land Classification. Where **BMV agricultural such** land is affected by the proposed development a statement should be submitted justifying why this land is needed, **why land of a lower agricultural grade cannot be developed**, as well as confirmation of what the intended restored grade the land would be if it is to be restored back to agriculture (**e.g. as part of a future land reclamation scheme following mineral extraction**).

Where soils are required for restoration purposes, planning applications must detail how soil resources on site are to be retained and protected through stripping, storage and replacement operations to ensure that they help achieve and deliver the restoration proposals submitted with the application.

Further information

National Planning Policy Framework- Conserving and enhancing the natural environment (paras 174-182) and Annex 2

Planning Practice Guidance- Minerals

Natural England - Agricultural Land Classification- Technical Information Note published 2012

Good Practice Guide for Handling Soils in Mineral Workings- The Institute of Quarrying 2021 <https://www.quarrying.org/soils-guidance>

Definitions

Definition of major applications, (based on Town and Country Planning (Development Management Procedure) (England) Order 2015), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (i.e. operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing or disposing of refuse or waste materials);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 sq. metres or more; or
- development carried out on a site having an area of 1 hectare or more.

Contacts

Further information and advice are available from the Development Management Team on 0300 500 80 80 or development.management@nottsc.gov.uk

Useful websites: www.nottinghamshire.gov.uk , www.planningportal.gov.uk and www.gov.uk

